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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/688,662  | 10/17/2003  | Michael S. McLaughlin | 930002-2130         | 1199             |
| 20999   | 7590        | 04/07/2006            | EXAMINER            |                  |
| FROMMER LAWRENCE & HAUG<br>745 FIFTH AVENUE- 10TH FL.<br>NEW YORK, NY 10151 |             |                       | GANEY, STEVEN J     |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 3752                |                  |
| DATE MAILED: 04/07/2006   |             |                       |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                        |  |
|------------------------------|------------------------|------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>    |  |
|                              | 10/688,662             | MCLAUGHLIN, MICHAEL S. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>        |  |
|                              | Steven J. Ganey        | 3752                   |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 06 January 2006.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-25 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some \* c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Receipt is acknowledged of the amendment filed on January 6, 2006, which has been fully considered in this action.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al in view of Vogel.

Cole et al discloses a method of plating a spray nozzle to prevent corrosion and wear resistance using a titanium coating or a Teflon<sup>TM</sup> coating, except for a material or lubricious plating impregnated with a lubricating material. Vogel teaches a method of electroplating a metal with nickel or chromium impregnated by Teflon<sup>TM</sup>(PTFE) or other lubricating material to produce a wear-resistance surface layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the nozzle of Cole et al plated using the nickel/chromium-PTFE composite of Vogel, since Vogel teaches that such a composite would produce a wear-resistant/self-lubricating surface which would be beneficial in the many uses of the nozzle of Cole et al.

As to claims 5, 14 and 23, Cole et al discloses all the featured elements of the instant invention except for the housing formed of stainless steel. Note that Cole et al discloses that the

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nozzle can be constructed from a variety of materials, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the spray nozzle formed from stainless steel since stainless steel is known to be a corrosion resistant material.

### ***Response to Arguments***

4. Applicant's arguments filed January 6, 2006 have been fully considered but they are not persuasive.

In response to applicant's arguments that examiner has failed to provide any motivation to combine the teachings of Cole and Vogel, note paragraph 5 above, specifically "Vogel teaches that such a composite would produce a wear-resistant surface which would be beneficial in the many uses of the nozzle of Cole et al", which is the motivation to combine. Vogel teaches that his invention is useful in a wide range of environmental conditions, which Cole et al is also concerned about, see col. 1, lines 64-67. Cole et al discloses plating a metal nozzle with a titanium material for corrosion resistance and applying a Teflon<sup>TM</sup> coating on the surface to provide a low frictional coefficient. Vogel et al teaches an improvement wherein the metal member is electroplated with nickel or chromium impregnated by Teflon<sup>TM</sup>(PTFE) or other lubricating material to produce a wear-resistance surface layer and one that is self-lubricating(i.e. having a low frictional coefficient). Such a lubricious plating would be an improvement over the two layer process of Cole et al, since the Teflon<sup>TM</sup> coating may wear off, therefore exposing the titanium layer, whereas with the lubricious plating taught by Vogel et al, the material would be self-lubricating and provide wear-resistance under extended industrial use. As to applicant's arguments that the two references are in very different classifications, note that Vogel et al

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teaches providing a lubricious plating on a metal member with threads to provide low friction and low wear and Cole et al discloses providing a wear resistant coating and a Teflon<sup>TM</sup> coating to provide a low frictional coefficient on a metal nozzle having threads.

### *Conclusion*

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is (571) 272-4899. The examiner can normally be reached on Monday, Tuesday, Wednesday, and Thursday from 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (571) 272-4919. The fax phone number for this Group is (571) 273-8300.

sjg

3/20/06

  
STEVEN J. GANEY  
PRIMARY EXAMINER  
3/20/06